



05-MC-05040-ORD

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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IN THE MATTER OF ANTONIO JIMENEZ-
JIMENEZ
A28-765-310

No. MS 05-5040

ORDER GRANTING
EMERGENCY EX PARTE
MOTION TO PROVIDE
INVOLUNTARY MEDICAL
TREATMENT

The Department of Homeland Security, Immigration and Customs Enforcement (hereafter "ICE") has filed an ex parte motion for an order permitting it to pursue involuntary feeding of Antonio Jimenez-Jimenez (A28-765-310), who is currently incarcerated as a civil detainee at the Northwest Detention Center in Tacoma, Washington.

Based on the declaration of Dr. Philip Farabaugh, and information submitted by ICE, I find that there is sufficient cause to believe that without the requested medical testing and treatment, Mr. Jimenez-Jimenez is in danger of irreparable injury, and possible death. Mr. Jimenez-Jimenez's current hunger strike poses a serious medical risk to himself.

A review of the applicable law reveals that the ICE has an affirmative statutory and constitutional duty to care for and treat inmates in its custody. This Court has inherent authority to issue an Order requiring the ICE to undertake this affirmative duty, which includes provision


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MEDICAL TREATMENT - 1

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1 of forced feeding with plastic tubes through the nasal passage. Such treatment should be limited
2 to that which is medically necessary for Mr. Jimenez-Jimenez.

3 Therefore, IT IS HEREBY ORDERED that ICE may undertake the medical procedures
4 and treatment described herein. ICE is directed to provide a copy of this order to Mr. Jimenez-
5 Jimenez forthwith.

6 DATED this 18th day of November, 2005.

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8 
9 RONALD B. LEIGHTON
United States District Judge

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11 Presented by:

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13 BRIAN C. KIPNIS
14 Assistant United States Attorney

15 Attorney for Department of Homeland Security,
16 Immigration and Customs Enforcement
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